

Eastham Conservation Commission

2500 State Highway
Eastham, MA 02642
508-240-5900



MINUTES

Conservation Commission Meeting 6:00 P.M., Tuesday, September 14, 2021

Commissioners Present: Charles Wagner, Karen Strauss, Sheila Filipowski, Janet Benjamins, Thomas Durkin.

Staff Present: Charles Katuska

Also Present: Stuart and Ann Vaeth and Kristen, the Vaeth's Landscaper, Caitrin Higgins, David Lyttle, Bob Perry.

6:00 PM Meeting opened by Sheila Filipowski and executed roll call.

**BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI - YEA**

PUBLIC HEARINGS

Notice of Intent filed by Stuart Vaeth. Applicant proposes landscaping work, and irrigation (after the fact) at property located at 90 John Thomas Road, Map 20, Parcel 038.

Stuart Vaeth represented his proposed project and summarized the after the fact filing for the Violation Issues. The representative discussed removing grass and planting grass, shrub removal with the intent to plant more shrubs, installation of an irrigation system and a proposed planting plan.

The Conservation Chair explained the violation, which concerned 6 to 7 trees be removed, the irrigation system, and the type of lawn grass that was used. The representative stated that they did take three trees down within the buffer zone and continued to discuss the areas. The representative inquired on the rational of an irrigation system and stated that the lawn seed is a regular lawn seed.

A Commissioner inquired on why there is not an engineered site plan showing the resource areas and the property amenities. The applicant directed the Commissioner to an old site plan that was included in the packet and continued to discuss the included plans. The Commissioner inquired on why there were no resource area markers. The Conservation Agent advised the commissioners of the different resource areas. Another Commissioner inquired on mitigation and was advised from the applicant what they are

proposing. The Commissioner state that they would like to see more trees included in the mitigation. The Commissioner inquired on why they did not know they had to file with conservation owning the property for over 20 years. The applicant stated they knew about the trees in the back but did not realize concerning the front. The Commissioner stated concern on the type of grass mix and stated they would like a conservation native mix.

The Commissioner requested the contactor to attend the meeting.

The Conservation Chair stated that they would like to see more trees for mitigations, no irrigation, site maps with resource area, and the contractor that was hired.

The Applicant requested a continuation until September 28, 2021.

Karen Strauss **MOVED** to continue until September 28, 2021. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

The Conservation Chair inquired on discussing fines and decided to wait until the applicant returns with approved plans and mitigation.

Notice of Intent filed by Gerald Billow& Barbara Kellman. Applicant proposes removal of invasive plant species, site restoration, plant management and establishment of two view corridors at property located at 120 Lawton Road, Map 14, Parcel 050.

Caitrin Higgins, David Lyttle and the applicant represented the proposed project and summarized their proposal. The Representative stated issues with the health of the trees, invasive plants species, removing nonnative vegetation, creating a view corridor, and mitigation.

The Conservation Chair stated concern over requesting 2 view corridors, marking the trees that are proposed to be removed, size of the area the saplings will be removed, rubble being removed from the beach, more information on what vegetation is being removed and relocated, and what grass is going to be used. The Representative stated that 2 view corridors made sense but will look further into it if requested, the trees being represented on the site plan, and offered to flag the trees if requested. The Representative continue to discuss the health of the trees and showed pictures of saplings, the rubble and moving plants away from the stairs.

Another Commissioner questioned why the ACEC is not reflected on the plan. The Representative apologized and stated that he will update the site plan. The Commissioner inquired if they are proposing to remove all the saplings and the representative stated yes and will replaced with shrubs. The Representative stated that shrubs would allow a view corridor without the maintenance. The Commissioner also inquired on the mitigation not being all-native and explained which ones were in question. The Commissioner continued to discuss the view corridor and mitigation with the Representative. The Commissioner inquired on the rubble, and the Representative stated that they do not know where the rubble came from. The Commissioner inquired on pesticides and was advised it depends on the species and continued to discuss species/pesticides. The Commissioner requested additional information on types of species and the pesticide that will be used. The Commissioner also requested the number of trees and plants that are being removed.

A Commissioner inquired on the limit of work line and why it is not outlined on the plan. The Commissioner also stated that there is nothing on the plan concerning erosion control. The Commissioner also stated that they feel there should not be a limit on View Corridors. Another Commission also inquired about erosion control, removing the vegetation that is proposed, and the type of herbicides. The Representative discussed the limit of work, and blanketing the bank with erosion control blankets. The Representative also stated that they work on properties without a problem with erosion. The Representative stated that they would add the limit of work on the site plan.

The Conservation Agent requested the bordering vegetated wetland be reflected on the plan as well and discussed it with the Representatives.

The Representative requested a continuation until September 28, 2021.

Thomas Durkin **MOVED** to approve a continuation until September 28, 2021. Karen Strauss **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

Notice of Intent filed by Neill Pattinson. Applicant proposes a stone revetment and annual sand nourishment at property located at 445 and 455 Turnip Road, Map 04 & 07, Parcel 449 & 491.

Bob Perry represented the applicant. The Representative discussed two segments of the revetment systems, its benefits, and the construction process.

The Conservation Chair inquired on how this Notice of Intent be managed with two owners and one applicant. The representative stated that the other owner is on board with the plan. The Conservation Chair inquired if the stairs will need to be changed in any way. The Representative stated what is being proposed. The Conservation Chair wondered if they need plans for the stairs and the Conservation Agent stated that the stairs are going to stay in the same area, and an as-built plan of the stairs should be given to Conservation after the stairs are rebuilt.

A commissioner inquired on the old fence post on the beach. The Representative believes they are remnants of old bulkheads. The Commissioner also stated that she saw metal post and feels they should be removed. The Commissioner also inquired on the beach grass and continued to discuss this further with the Representatives.

The Conservation Chair inquired on nourishment, removing the boulders from the previous revetment and continued to discuss this with the Representative. Another Commissioner talked about bringing in additional sand to help support the beach grass and correct the erosion behind the previous revetment. The Commissioner suggested bring the revetment back to meet up with the neighboring revetment. The Representative continued to discuss the slopes, planting beach grass and erosion. Another Commissioner brought up concern about over topping during storms and was advised by the Representative that there's a bit of concern but does not see a need to armor to the 100-foot flood. The Commissioner discussed removing the old fence from the beach with the Representatives.

Charles Wagner **MOVED** to close the hearing. Thomas Durkin **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

The Commissioners discussed the Order of Conditions and stated the removal of all metal from the beach, an as built plan of the stairs with the possibility of and having the bottom of the stairs be removable, and the standard revetment and nourishment Conditions. The Representative stated that they would have to check with the community concerning having the bottom of the stairs be removable.

The Conservation Agent repeated the Conditions requested.

Charles Wagner **MOVED** to approve Conditions stated. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Continuation of Notice of Intent filed by Edward Webber. Applicant proposes stabilization of a portion of an existing concrete seawall and concrete boat ramp, construction of a stairway and installation of a three-foot planting zone at the bottom of a coastal bank at property located at 75 Cove Road, Map 18, Parcel 050A.

The Conservation Agent stated the applicant requested a Continuation until December 28, 2021 and summarized the proposal and discussed the Continuation being on the Agenda for almost 2 years.

Karen Strauss **MOVED** to Continue until December 28, 2021. Thomas Durkin **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

ADMINISTRATIVE MATTERS

Extension Permit request for SE 19-635 for the repair and maintenance of the stone revetment at property located at 20 Marion's Way, Map 07, Parcel 556.

The Conservation Agent advised the commissioners of the request and recommended an extension.

Karen Strauss **MOVED** to approve the Extension Permit. Charles Wagner **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Extension Permit request for SE 19-1025 for the repair and maintenance of the stairway at property located at 20 Marion's Way, Map 07, Parcel 556.

The Conservation Agent advised the Commissioners of the request and recommended an extension.

Karen Strauss **MOVED** to approve the Extension Permit. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Certificate of Compliance for SE 19-1695 for replacing existing elevated timber stairway and landings with a new elevated timber stairway and landings at property located at 15 West Rd, Map 04 Parcel 481.

The Conservation Agent advised the Commissioner of the project and recommended approval.

Karen Strauss **MOVED** to approve the Certificate of Compliance. Thomas Durkin **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Certificate of Compliance for SE 19-1780 for the replacement of the existing stairway at property located at Silver Springs Beach Road, Map 04, between Parcel's 480 & 481.

The Conservation Agent advised the Commissioner of the project and recommended approval.

Karen Strauss **MOVED** to approve the Certificate of Compliance. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Liaison Reports

The Commissioners discussed their Liaison Reports.

Education & Training Updates

The Commissioners discussed the MACC Fall Conference.

Minutes

August 10, 2021 Minutes

Janet Benjamins **MOVED** to approve the August 10, 2021 Minutes. Thomas Durkin **SECONDED, ALL IN FAVOR.**

Other Discussion

The Conservation Chair discussed the upcoming work session.

The Conservation Agent stated that he received a call from a resident who would like to put educational signs on the dune and continued to discuss this request with the Commissioners.

The Commissioners discussed regulations concerning Salt Water Docks.

Thomas Durkin MOVED to adjourn. Karen Strauss SECONDED, ALL IN FAVOR.

BENJAMINS - YEA

DURKIN - YEA

STRAUSS - YEA

WAGNER - YEA

FILIPOWSKI - YEA

Respectfully Submitted as prepared by,


Amy Blakesley


Sheila Filipowski, Chairman Conservation Commission

The Video for this meeting can be found at <https://www.eastham-ma.gov/home/pages/demand-video-meetings-and-special-programs>.